

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

NSPIRE SPORTS LEAGUE, LLC,

Plaintiff,

v.

IFBB PROFESSIONAL LEAGUE,
INTERNATIONAL FEDERATION OF
BODYBUILDING AND FITNESS, and
NATIONAL PHYSIQUE COMMITTEE OF
THE USA, INC.,

Defendants.

Case No. 1:16-cv-232 (CMH/TCB)

**MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF PLAINTIFF’S MOTION FOR LEAVE TO FILE
UNDER SEAL PORTIONS OF ITS MOTION TO COMPEL PURSUANT TO
STIPULATED PROTECTIVE (DOC. 63)**

Plaintiff Nspire Sports League, LLC (“Nspire”), by counsel, files this Memorandum of Points and Authorities in Support of its Motion for Leave to File Under Seal Portions of Motion to Compel, and states as follows:

Nspire seeks this Motion to Seal based on the designation of certain materials as “Highly Confidential” under the Stipulated Protective Order (Doc. 63) by Defendant International Federation of Bodybuilding and Fitness (“IFBB International”) and/or former Defendants IFBB Professional League (“IFBB Professional”) and National Physique Committee of the USA, Inc. (“NPC”). In particular, IFBB International, IFBB Professional, and/or NPC designated materials quoted in Nspire’s memorandum of points and authorities in support of its motion to compel or attached as Exhibits 1, 2, 7, 8, 9, and 10 to the Declaration of Michael J. Scanlon as “Highly

Confidential” under the Protective Order. Nspire expects that the parties will be able to agree on any removal of confidentiality status of these materials. For now, however, Nspire does not believe there is any other way for the Court to consider these materials other than to place them under seal, given the designation of these materials pursuant to the Protective Order by IFBB International, IFBB Professional, and/or NPC.

The Court has the inherent power to seal materials submitted to it. *See In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (“The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.”). Nspire believes that the Protective Order in this case sets forth the basis for the designation by IFBB International, IFBB Professional, and/or NPC of their designated transcripts and documents. Nspire therefore requests that the Court grant its Motion for Leave to File Under Seal Portions of its Motion to Seal for the duration of this action or until the Court determines otherwise.

Respectfully submitted,

Dated: October 17, 2016

/s/ Scott A. Cunning, II

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CERTIFICATE OF SERVICE

I hereby certify that, on the 17th day of October, 2016, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel registered to receive such notice, and also served it by email on the following:

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Respectfully submitted,

Dated: October 17, 2016

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